

**STATE OF NEW JERSEY
DIVISION OF CONSUMER AFFAIRS
BOARD OF CHIROPRACTIC EXAMINERS
124 HALSEY STREET
NEWARK, NEW JERSEY
PUBLIC SESSION MINUTES
THURSDAY, JANUARY 22 , 2015**

A meeting of the New Jersey Board of Chiropractic Examiners was held on January 22, 2015 at the State Office Building, 124 Halsey Street, 7th floor, Newark, New Jersey in the Somerset Conference Room on the 6th floor. The meeting was convened in accordance with the provisions of the Open Public Meetings Act with previous notification having been sent to the Secretary of State and the following publications: The Record, Newark Star Ledger, Camden Courier Post, Trenton Times and Asbury Park Press to advise of the scheduling of this meeting. The meeting was called to order by David Allen, D.C., President of the Board, at 9:45 A.M. A roll call was taken and the following attendance was recorded and a quorum was present:

David A. Allen, D.C.	Present
Rosemary Calio, BSN, RN, D.C.	Excused
Paul Lyons, D.C.	Present
Lawrence O'Connor, D.C.	Present
Thomas A. Senatore, Sr., D.C.	Present
Albert Stabile, Jr., D.C.	Present
John Traier	Absent
Brett A. Wartenberg, D.C.	Present
James L. Winters, D.C.	Present

Also present were: **Virginia Class-Matthews, Deputy Attorney General; Lisa Tadeo, Executive Director; and Tracy Steel, Board Staff.**

I. APPROVAL OF THE PUBLIC SESSION MINUTES OF DECEMBER 18, 2014

A motion was made by Dr. Senatore, which was seconded by Dr. Lyons, to approve the public session minutes from the December 18, 2014 Board meeting as amended. A vote was taken and the motion passed with all members voting in favor.

II. CONTINUING EDUCATION COMMITTEE

The continuing education committee reviewed 71 courses submitted by continuing education sponsors. The committee recommended that 61 courses be approved based on the information submitted for these courses. The committee identified 9 courses where sponsor will be requested to provide additional information. The Board denied 1 course as it did not meet the requirements for approval. A motion was made by Dr. O'Connor and seconded by Dr. Lyons, to approve the 61 courses and deny 1 course as recommended by the committee. A vote was taken and motion passed with all members present voting in favor.

III. NEW BUSINESS

A. Application for Reinstatement

1. Edward Formisano, D.C.

A motion was made by Dr. Stabile, which was seconded by Dr. O'Connor, that Dr. Formisano appear before the Board to discuss his application for reinstatement. A vote was taken and the motion passed with all members present voting in favor.

B. Inquiry from Ayaz Shah, D.C. RE: Scope of Practice

This matter was tabled.

C. Inquiry from Susan Huebner RE: Scope of Practice

Ms. Huebner is inquiring as to whether a chiropractor can have a direct selling business from their office.

A motion was made by Dr. Stabile, which was seconded by Dr. Wartenberg, to request that Ms. Huebner provide the Board with more information. Specifically, what will be the chiropractor be selling as well as more details concerning the direct selling business. A vote was taken and the motion passed with all members present voting in favor.

D. Federation of Chiropractic Licensing Boards RE: FCLB Delegate and Alternate Delegate

A motion was made by Dr. Senatore, which was seconded by Dr. Lyons, to elect Lawrence O'Connor as Delegate and Albert Stabile as the Alternate Delegate for the Federation of Chiropractic Licensing Board. A vote was taken and the motion passed with all members present voting in favor.

E. Assembly, No. 3945 (Synopsis - Requires disclosures of out-of-network services performed by health providers under certain circumstances.)

The Board reviewed Assembly, No. 3945 and considered this to be informational.

F. 11:15 A.M. Hearing
In the matter of Scott D. Greenberg, D.C.

Dr. Lyons recused himself and did not participate.

An Administrative Action Complaint was filed on August 19, 2013 in the matter of Scott D. Greenberg, D.C. A Notice of Hearing and Notice to File Answer was filed on August 19, 2013.

Deputy Attorney General, Joshua M. Bengal, prosecuted this matter before the Board. Michael Smikun, Esq. represented Scott D. Greenberg, D.C.

Oral argument on the Motion for Summary Decision was held before the Board. A hearing on the penalties was held following the oral argument.

After the hearing, Dr. Greenberg and Mr. Smikun were informed that they would be advised of the Board's decision in writing.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile to go into Executive Session to seek legal advice. After seeking legal assistance, the Board returned to Public Session to continue the meeting.

Dr. Greenberg admits all the factual allegations contained in the Motion for Summary Decision. The Board granted the motion and finds Dr. Greenberg liable on the merits of the Complaint.

A motion was made by Dr. O'Connor and seconded by Dr. Stabile to revoke Dr. Greenberg's New Jersey chiropractic license for a minimum of 5 years. A vote was taken and the motion passed with all members present voting in favor.

G. Inquiry from Stanley Piltin, D.C.
RE: Scope of Practice

Dr. Piltin submitted a request on clarification regarding a program that his local community is promoting. He would like to know if it is legal for chiropractors to offer a discount to local residents for services, copays, or products. Businesses that participate in this community program offer a discount for products or services, the customer pays full price then that discount is directly credited to the residents property taxes.

A motion was made by Dr. O'Connor, which was seconded by Dr. Stabile, to refer Dr. Piltin to the regulation N.J.A.C. 13:44E 2.1g. A vote was taken and the motion passed with all members present voting in favor.

IV. INFORMATIONAL

- A. Consent Order of Reinstatement Filed January 05, 2015
RE: Timothy McGaurn, D.C.

The Board reviewed a Consent Order of Reinstatement Filed January 05, 2015 in the matter of Timothy McGaurn, D.C. and considered this to be informational.

ADJOURNMENT

The Board returned to Public Session and a motion was made by Dr. O'Connor which was seconded by Dr. Stabile to adjourn the meeting at 2:30 P.M. A vote was taken and the motion passed with all members present voting in favor

Respectfully submitted,

Lisa Tadeo
Executive Director